

Decision 06-04-051 April 27, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Abdisamad M. Deria to sell and transfer his ownership of Comfort Express Shuttle Service and Certificate PSC-13530 to Jaipal Singh.

Application 06-02-006
(Filed February 7, 2006)

O P I N I O N

Summary

This decision grants the application to transfer, pursuant to Pub. Util. Code § 851 et seq., a passenger stage corporation (PSC) certificate from Abdisamad M. Deria (Transferor), an individual, to Jaipal Singh (Transferee), an individual.

Discussion

Transferor is authorized by Decision (D.) 01-05-072, as revised by D.02-08-018, to operate as an on-call PSC to transport passengers and their baggage between points in Alameda, Contra Costa, San Francisco, Santa Clara, and Solano Counties, on the one hand, and San Francisco (SFO), San Jose (SJC), and Oakland (OAK) International Airports, on the other hand. D.01-05-072 also authorized Transferor to establish a zone of rate freedom (ZORF) pursuant to Pub. Util. Code § 454.2.

The application requests approval to transfer certificate PSC-13530 to Transferee, who has agreed to purchase the certificate and Transferor's good will and trade name for \$11,000. The proposed transaction is described in the Purchase and Sale Agreement attached to the application as Exhibit A.

Transferee states that he has the experience, knowledge, and ability to assume

responsibility for conducting the PSC business. He already holds a permit from the Commission to operate as a charter-party carrier (TCP 18461-P). Transferee currently has one vehicle, an 8-passenger van. He indicates that he is financially able to acquire additional units to meet the public's service needs. Attached to the application as Exhibit B is his unaudited balance sheet as of January 5, 2006, that discloses assets of \$86,000, liabilities of \$9,000, and net worth of \$77,000.

Notice of filing of the application appeared in the Commission's Daily Calendar on February 9, 2006.

In Resolution ALJ 176-3167 dated February 16, 2006, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3167.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Transferor is operating as a PSC pursuant to D.01-05-072, as revised by D.02-08-018.
2. Transferor requests approval to transfer certificate PSC-13530, which includes a ZORF, to Transferee.
3. The proposed transfer will not be adverse to the public interest.
4. No protest to the application has been filed.
5. A public hearing is not necessary.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The proposed transfer is in the public interest and should be authorized.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.
3. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. Within 120 days from the effective date of this decision, Abdisamad M. Deria (Transferor), an individual, may transfer the operative rights specified in this application to Jaipal Singh (Transferee), an individual, subject to the conditions contained in the following paragraphs.

2. Transferee shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service within 120 days after this order is effective, adopt Transferor's tariffs and timetables or issue new tariffs and timetables (which may include the zone of rate freedom authorized by Decision (D.) 01-05-072), state in them when the service will start, make them effective 10 or more days after this order is effective and allow at least 10 days' notice to the Commission.
 - c. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.

- d. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- e. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- f. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- g. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Transferee is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Transferee that his evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Transferee's vehicles for service.

4. The certificate of public convenience and necessity (CPCN) granted to Transferor by D. 01-05-072, as revised by D.02-08-018, is revoked on the date Transferee is notified that he may commence operations as provided in Ordering Paragraph 3.

5. Before beginning service to any airport, Transferee shall notify the airport's governing body. Transferee shall not operate into or on airport property without authority from the airport's governing body.

6. The CPCN to operate as PSC-18461, granted herein, shall expire unless exercised within 120 days after the effective date of this order.

7. The Application is granted as set forth above.

8. This proceeding is closed.

This order is effective today.

Dated April 27, 2006, at San Francisco, California.

MICHAEL R. PEEVEY

President

GEOFFREY F. BROWN

DIAN M. GRUENEICH

JOHN A. BOHN

RACHELLE B. CHONG

Commissioners

CERTIFICATE
OF
PUBLIC CONVENIENCE AND NECESSITY
AS A PASSENGER STAGE CORPORATION
PSC-18461

Showing passenger stage operative rights, restrictions,
limitations, exceptions, and privileges.

All changes and amendments as authorized by
the Public Utilities Commission of the State of California
will be made as revised pages or added original pages.

Supersedes the authority heretofore granted to
Abdisamad M. Deria, an individual, by
Decision 01-05-072, as revised by Decision 02-08-018.

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SECTION I. GENERAL AUTHORIZATIONS, RESTRICTIONS,
LIMITATIONS, AND SPECIFICATIONS.

This certificate supersedes all passenger stage operative authority granted to Abdisamad M. Deria, an individual.

Jaipal Singh, an individual, by the certificate of public convenience and necessity granted by the decision noted in the foot of the margin, is authorized to transport passengers and their baggage on an "on-call" basis between the points described in Section II, over the routes described in Section III, subject, however, to the authority of this Commission to change or modify this authority at any time and subject to the following provisions:

- a. When a route description is given in one direction, it applies to operation in either direction unless otherwise indicated.
- b. The term "on-call," as used, refers to service which is authorized to be rendered dependent on the demands of passengers. The tariffs shall show the conditions under which each authorized on-call service will be provided, and shall include the description of the boundary of each fare zone, except when a single fare is charged to all points within a single incorporated city.
- c. No passengers shall be transported except those having a point of origin or destination as described in Section IIB.
- d. This certificate does not authorize the holder to conduct any operation on the property of any airport unless such operation is authorized by the airport authority involved.

SECTION II. SERVICE AREA.

- A. All points within the geographical limits of Alameda, Contra Costa, San Francisco, Santa Clara, and Solano Counties.
- B. San Francisco International Airport (SFO).
Oakland International Airport (OAK).
San Jose International Airport (SJC).

SECTION III. ROUTE DESCRIPTION.

Commencing from any point described in Section IIA, then over the most convenient streets and highways to any airport described in Section IIB.